



**MOORE COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
WEDNESDAY, APRIL 14, 2021, 10:30 A.M.**

The Moore County Board of Commissioners convened for a special meeting (work session) at 10:30am, Wednesday, April 14, 2021, in the Grand Hall of the Moore County Senior Enrichment Center, 8040 US Hwy 15/501, Carthage, NC.

Commissioners Present:

Chairman Frank Quis, Vice Chairman Louis Gregory, Jerry Daeke, Catherine Graham

Commissioners Absent:

Otis Ritter

Chairman Quis called the meeting to order. County Manager Wayne Vest welcomed everyone and offered the invocation and Vice Chairman Louis Gregory led the Pledge of Allegiance.

N.C.G.S. 160D

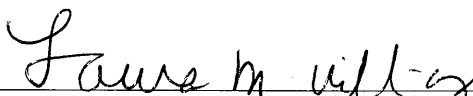
Planning/Transportation Director Debra Ensminger provided background information regarding N.C.G.S. 160D. She noted that what the Board would see during the meeting would be effective July 1, 2021 and shared that consultant Chad Meadows with CodeWright had been hired by the County to help incorporate changes into the Unified Development Ordinance. She said the County's ordinance was in good shape and much further along than many other areas in the State. Ms. Ensminger introduced Mr. Meadows who provided a presentation, hereby incorporated as a part of these minutes by attachment as Appendix A. There was discussion during the presentation regarding the Board's consultation with the County Attorney and Planning Director and staff for guidance on what was required by 160D.

The Board recessed for lunch at approximately 12:05pm and reconvened at approximately 12:35pm, at which time Commissioner Gregory left due to another commitment.

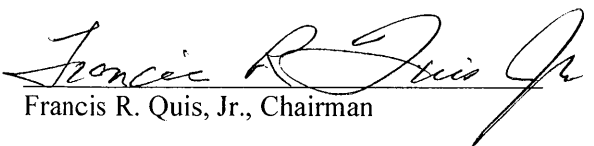
Mr. Meadows completed his presentation and further discussion was held on recommended changes. The Board additionally discussed the timeline for staff bringing the UDO changes forward for approval. A memo provided by Mr. Meadows and shared with the Board is also hereby incorporated as a part of these minutes by attachment as Appendix B.

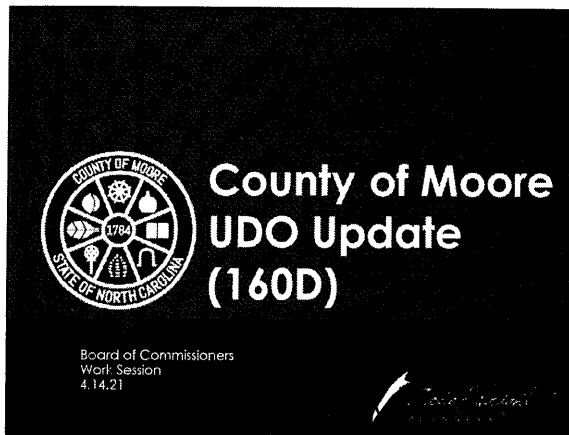
Adjournment

There being no further business, Chairman Quis adjourned the April 14, 2021, special meeting of the Moore County Board of Commissioners at 1:16pm.

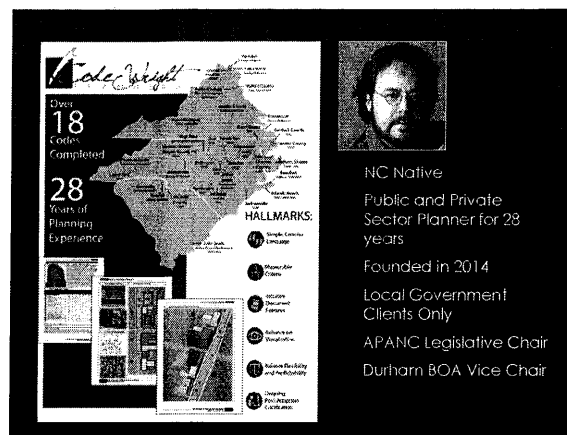

Laura M. Williams, Clerk to the Board



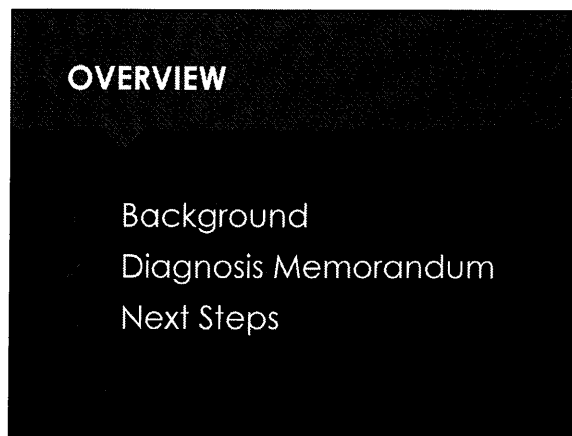

Francis R. Quis, Jr., Chairman



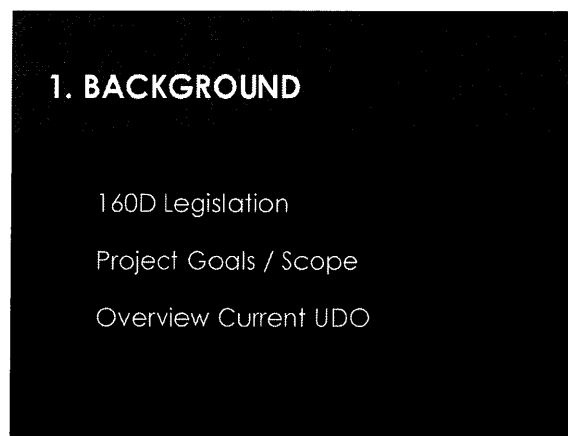
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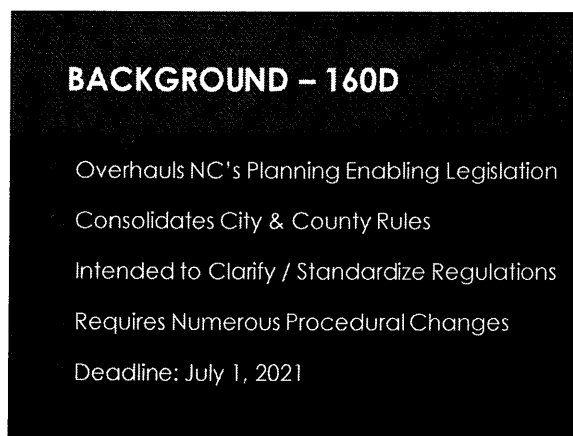
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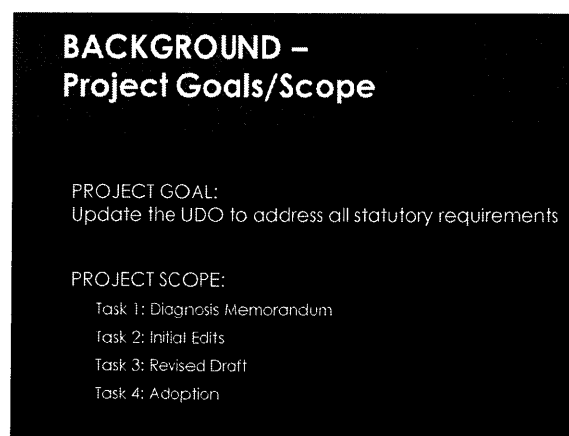
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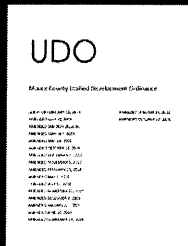
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BACKGROUND – Current UDO

Appendix to the County Code
Effective 2.18.2014
Amended 17 times over 7 years
20 Chapters
33 Districts (14/16/3)
Modern Structure and
Organization



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2. DIAGNOSIS MEMORANDUM

Purpose
Structure
Mandatory Changes
Additional Recommendations

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MEMO - Purpose

Review of all current UDO section language
Identifies the language that must be changed for
regulatory compliance
Addresses 160D changes, recent court precedent,
prior session law, changing federal laws
Optional recommendations for increased clarity
and ease of administration

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MEMO - Structure

Maine County, NC UDO DIAGNOSIS SUMMARY TABLE		
CHAPTER 2: REVIEW BOARDS AND ADMINISTRATOR		
Section or UDO Chapter	Need for Change (Yes/No)	Recommendation
2.1 Review of the UDO	Yes	Review the UDO for consistency with the County Code and other regulations.
2.2 Planning Board	Yes	Review the Planning Board's role and responsibilities.
2.3 Zoning Board	Yes	Review the Zoning Board's role and responsibilities.
2.4 Board of Appeals	Yes	Review the Board of Appeals' role and responsibilities.
2.5 Administrative	Yes	Review the Administrative role and responsibilities.
2.6 Board of Health	Yes	Review the Board of Health's role and responsibilities.
2.7 Board of Education	Yes	Review the Board of Education's role and responsibilities.
2.8 Board of Social Services	Yes	Review the Board of Social Services' role and responsibilities.
2.9 Board of Mental Health	Yes	Review the Board of Mental Health's role and responsibilities.
2.10 Board of Economic Development	Yes	Review the Board of Economic Development's role and responsibilities.
2.11 Board of Planning	Yes	Review the Board of Planning's role and responsibilities.
2.12 Board of Zoning	Yes	Review the Board of Zoning's role and responsibilities.
2.13 Board of Land Use	Yes	Review the Board of Land Use's role and responsibilities.
2.14 Board of Environmental	Yes	Review the Board of Environmental's role and responsibilities.
2.15 Board of Cultural	Yes	Review the Board of Cultural's role and responsibilities.
2.16 Board of Historical	Yes	Review the Board of Historical's role and responsibilities.
2.17 Board of Architectural	Yes	Review the Board of Architectural's role and responsibilities.
2.18 Board of Engineering	Yes	Review the Board of Engineering's role and responsibilities.
2.19 Board of Surveying	Yes	Review the Board of Surveying's role and responsibilities.
2.20 Board of Planning	Yes	Review the Board of Planning's role and responsibilities.
2.21 Board of Zoning	Yes	Review the Board of Zoning's role and responsibilities.
2.22 Board of Land Use	Yes	Review the Board of Land Use's role and responsibilities.
2.23 Board of Environmental	Yes	Review the Board of Environmental's role and responsibilities.
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2.98 Board of Architectural	Yes	Review the Board of Architectural's role and responsibilities.
2.99 Board of Engineering	Yes	Review the Board of Engineering's role and responsibilities.
2.100 Board of Surveying	Yes	Review the Board of Surveying's role and responsibilities.

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MEMO – Mandatory Changes

Consistency
Cross References, Terminology, Definitions
Board/Commission Procedures
Oath, Rules of Procedure, Conflict of Interest, Voting
Application Filing
Permit Choice, Completeness, Who May File, Staff
Report Distribution, Public Notice

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MEMO – Mandatory Changes

Quasi-Judicial Process
Rules of evidence/testimony, Duties of Chair, Limitations
on Prior Review
Application Decision
Conditions of Approval, Modifications (Major/Minor),
Written Notice of Decision
Zoning Map
Obtaining Copies, Prior Maps, Included by Reference,
Certified Copies, Who Interprets

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MEMO – Mandatory Changes

Vested Rights

Duration Continuum, Site-Specific Vesting Plan, Determination, Voluntary Discontinuance, Timeframe Adjustments

Amendments (Text & Map)

Limits on 3rd Party Downzoning, BOC must Conduct Public Hearing, Statements of Consistency and Reasonableness

Other Procedures

Administrative Modifications, Expedited Subdivisions, CUP becomes SUP, Determination

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MEMO – Mandatory Changes

Appeals

Original Civil Actions, Identify Declaratory Judgements, 30-day Filing, Stays/Tolling

Performance Guarantees

Applicant picks Form, Term, Consolidation, Release, Forfeiture

Enforcement

Statute of Limitations, Notice of Violation, Inspection, Permit Revocation

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MEMO – Mandatory Changes

Uses

Procedure for Unlisted Uses, Identification of Prohibited Uses, Telecommunications, RLUIPA, Protected Uses

Signs

Removal of content-based standards

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MEMO- Recommendations

Enhance Prefatory Provisions

Authority, Purpose, Private Agreements, Effective Date

Review Authorities

General Section Applicable to All, Standardize to Address Powers/Duties, Composition, Rules of Procedure

Districts

Enhance Conditional Provisions to Explain Allowable Deviations, Voluntary Design Guidelines for Attached Residential, Enhance Planned Development Guidance/Requirements, Clarify Preferred Development Forms in HCO

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MEMO- Recommendations

Explore Reasons for Quasi-Judicial Subdivision Review

Remove Repetition Wherever Possible

Add Pre-Application Conference Requirements

Separate Site Plan and Zoning Compliance Permit Procedures

Address Nonconforming Sites

Add Fee-in-Lieu Options for Parkland, Others(?)

Add a Rules of Measurement Section

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NEXT STEPS

Complete Initial Language Revisions

Staff Review

Revision

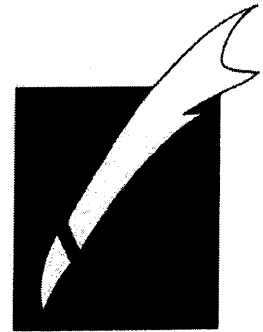
Planning Board Review/Recommendation – May?

Board of Commissioners Review/Decision – June or July

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Appendix B
4/14/2021

To: Debra Ensminger
From: Chad Meadows, CodeWright
Date: 1.27.21
CC: Stephanie Cormack
RE: Moore County UDO 160D Update Diagnosis Memorandum



MESSAGE

This Diagnosis Memorandum is the primary deliverable of Task 1 of the project to update Moore County's Unified Development Ordinance (UDO) for consistency with recent changes to the North Carolina General Statutes commonly referred to as the "160D" changes.

The 160D changes include a comprehensive overhaul of the planning enabling statutes for local governments across North Carolina. These provisions control how local governments may regulate the use of land and development. The General Assembly adopted these changes in 2019 (see Session Law 2019-111). This session law is comprised of two parts: Part One included a series of changes to planning laws requested by private parties or individual law makers. Part Two included the changes to the planning enabling statutes (drafted largely by representatives from the North Carolina Bar Association). Part One of Session Law 2019-111 was integrated with the prior changes in 2020 (see Session Law 2020-25). Together, these statutory revisions are the most comprehensive change to the State's planning rules since its founding. Every local government with land use control in the State must now revise their rules for consistency with these new 160D provisions.

The intent behind the 160D changes was to make the provisions more clear and predictable for local governments, applicants, and the courts. One significant change is the consolidation of the rules for municipalities (formerly found in NCGS Ch. 160A) with the rules for counties (formerly found in NCGS Ch. 153A) into one set of standards for land use regulation applicable to all local governments. This change removed numerous subtle and confusing distinctions in how rules were applied. Another important change is the need for a local government to apply its development regulations in concert with an adopted comprehensive plan for the future. The 160D changes also seek to streamline and standardize several procedures like conditional rezoning, the vesting process, performance guarantees, and how appeals are addressed. This Diagnosis Memorandum provides recommendations for changes to Moore County's UDO in order to comply with the 160D changes.

In addition to the recommendations associated with 160D, this memorandum also includes suggestions for additional UDO revisions based on other statutory changes made prior to 2019, recent North Carolina case law, and recent changes in federal law. The County should consider compliance with these recommendations in order to remain compliant with all applicable laws and court rulings.

Finally, this memorandum also includes recommendations for revisions to the current UDO based on best practices in use in other counties across the State. These 'best practice' recommendations focus on ways that the County's development regulations might be further modified for increased clarity, efficiency, and predictability. The best practice recommendations are entirely optional and are provided for the purposes of discussion.

The recommendations in this memorandum are organized in tabular format by UDO chapter. It includes three columns, one identifying the current name and number of each current UDO section, what the section does, how it should be revised (if revisions are necessary) based on 160D or other legal requirements, and a column on additional recommended, but not mandatory, changes the County could consider that are based on modern best practices. Many chapters also include an additional row at the bottom labeled "Other Recommendations" that identify additional changes to the chapter that are mandatory based on legal requirements or optional based on best practices.

The final section of the memorandum describes how this information is expected to be used and the next steps in the process.

Moore County Unified Development Ordinance – Brief Summary

The Moore County Unified Development Ordinance (UDO) is a 173-page document that became effective on February 18, 2014. The UDO is a stand-alone document separate from the County Code of Ordinances (which allows it to have a unique format and numbering system that differs from the County Code). The UDO has been amended approximately 17 times over the last seven years (typically 2-3 times a year, which is very typical). It includes a topic-based structure of 20 chapters, with the final chapter consisting of a record of amendments to the document's text (an innovative approach). Chapter subjects are, for the most part, intuitive and most chapters comprehensively address their intended topics.

The document recognizes four review authorities (including a somewhat unique "Subdivision Review Board") and the Planning Director (called the "Administrator"). The ordinance establishes 14 underlying base (or "conventional") zoning districts, the 16 conditional districts, and three overlay districts. The UDO takes the modern approach of embedding the flood damage prevention and water supply watershed standards as overlay districts into the document's text (which is more user friendly than locating such provisions elsewhere), though this material is located in separate chapters away from the other overlay provisions. The UDO incorporates a planned development district which may be used for maximum flexibility (though the planned unit development requirements are found primarily in the use standards instead of the district provisions, which is a more typical placement).

The document has a summary table of principal uses supplemented with use-specific standards (though it blends accessory uses with principal uses in some cases). Some uses require the prior establishment of a conditional zoning district before they may be accommodated.

The UDO includes a brief set of development standards addressing topics like parking, screening, and signage (though the signage section is by far the most detailed among the development standards). The UDO includes a brief chapter on nonconformities but is not organized by type of nonconformity and does not limit replacement following casualty damage.

There are several different procedural chapters that set out how review procedures operate (though this approach yields some repetition, like public notice provisions). There is considerable detail in the subdivision provisions, including a conservation subdivision option.

The UDO includes a chapter of definitions, though definitions are spread throughout the UDO in places like the use standards, the flood standards, the watershed standards, and in other areas.



The following pages provide a detailed analysis of the current UDO provisions, by chapter, along with recommendations for revision based on 160D, statutory changes, and case law shown in the light green column. There is also an additional column listing optional (not mandatory) recommendations for further consideration by the County. A next steps section follows the tables.

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE		
CHAPTER 1: GENERAL PROVISIONS		
Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
1.1 Title Sets out title of document		Suggest adding ref. to zoning map, FIRM map
1.2 Authority Establishes authority and blends severability	- Update x-ref to NCGS - Clarify authority for flood, WSW	- Add refs to charter, special legislation - Relocate severability clause to its own section - Clarify these are minimum standards
1.3 Purpose Sets out UDO purposes	Update x-ref to NCGS	Enhance with language from statutes, county comp plan
1.4 Jurisdiction Identifies where the UDO applies	- Update x-ref to NCGS - Clarify regs that still apply to farms (subdivision, flood, WSW)	- Clarify exemptions and how applied to governmental agencies - Explain relationship to other laws, private agreements
1.5 Conflict Describes how conflicts are addressed and discusses the relationship to private agreements		- Relocate private agreement material to jurisdiction section - Revise conflict section to address approved variances, conditional zoning, incentives (if any), waivers, etc.
Other Recommendations	- Add section on relationship to comprehensive plan - Add a "Determination" procedure to address unlisted uses, vesting status, and map boundaries	Add section on effective date



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 2: REVIEW BODIES AND ADMINISTRATOR

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
2.1 Board of Commissioners Sets out the powers and duties of the Board, how appeals of Board decisions are processed, and the process for consideration of ETJ expansion requests	- Identify where rules of procedure may be inspected and who is responsible for maintaining them	- Add annual adoption of schedule of fees and fines - Relocate appeals material to the appropriate procedural chapters - Suggest removing list of legislative appeal periods in favor of x-ref to 160D-1405
2.2 Planning Board Sets out the powers and duties and references the rules of procedure adopted by the Board of Commissioners	- Add a section establishing body (160D-301) - Add responsibility for comprehensive plan prep/review - Add responsibility for coordinating citizen engagement in the planning process - Clarify difference between minor and major watershed variance decision authority	Include details on number of members, quorum, and simple majority voting
2.3 Subdivision Review Board Sets out the powers and duties and references the rules of procedure adopted by the Board of Commissioners	- Clarify establishment under 160D-306 - Specify composition	Suggest abolishing this body and using a staff-level technical review group instead
2.4 Board of Adjustments - Sets out the powers and duties and references the rules of procedure adopted by the Board of Commissioners - Clarifies appeals go to Superior Court	- Update cross references - Incorporate evidentiary hearing processes - Specify voting rules on appeals versus variances	Clarify if reasonable accommodation is or is not considered a "variance"
2.5 Administrator Sets out powers and duties	- Add a determination procedure - Remove (or add provisions for) administrative variances	- Add establish and maintain application forms - Add determine application completeness - Include cross references to Floodplain Administrator and Watershed Administrator duties sections



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 2: REVIEW BODIES AND ADMINISTRATOR

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
Other Recommendations	- Add a section on oath of office for all review authorities (including Administrator) - Add a section on conflict of interest for all review authorities (including Administrator) - Add a section indicating meeting minutes must be kept	Add section on general requirements for all review authorities to address open meetings, records, and where rules of procedure may be inspected

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 3: INTENT OF ZONING DISTRICTS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
3.1 Zoning Districts Established Establishes the conventional, conditional, and overlay districts	- Convert term "general use" to "conventional" - List each parallel conditional district type	- Suggest adding a section explaining distinctions between 3 types of districts - Explain how conflicts are addressed - Clarify if singular or plural (sub-district) overlay districts
3.2 – 3.12 (district purpose statements) Sets down the purpose and intent statements for each of the 14 conventional zoning districts		Discuss the extent to which the GC districts amount to the County enforcing private agreements
3.13 Parallel Conditional Zoning Districts Indicates that each conventional zoning district as a parallel conditional district		Describe relationship between this section and the multi-family and planned unit development conditional districts
3.14 Multi-Family Conditional District District to accommodate single-family attached development		Consider the possibility of establishing voluntary design guidelines for these uses
3.15 Planned Unit Development		- Consider enhancing this section considerably to identify basic district



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 3: INTENT OF ZONING DISTRICTS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
Conditional Zoning District Establishes a planned development district		configuration, County expectations, master plan contents, amendments, etc. - Add x-ref to for establishment - Consider moving "use standards" to the section on the zoning district
3.16 Highway Corridor Overlay District Sets down three sub-districts	- Clarify 3 rd sentence regarding water supply overlay	Suggest supplementing these standards with more details regarding the preferred forms of development and which standards apply
3.17 Watershed Protection Overlay Districts Sets down the water supply watershed district based on State law		Clarify if conservation subdivision option may be substituted for cluster development option
3.18 Flood Hazard Overlay District Sets down the flood damage prevention in overlay district format, based on State law		Clarify bona fide farms subject to these standards
3.19 District Boundaries Shown on Zoning Map Establishes the official zoning map and indicates where it may be inspected	- Clarify previous versions of zoning map on file available for public inspection - Clarify all State and federal maps incorporated into the zoning map are available for public inspection	Recognize and incorporate FIRM
3.20 Interpretations of District Boundaries Sets down rules for interpreting zoning map boundaries	Clarify who is responsible for interpreting the map	Consider broadening the interpretation rules (waterways, corporate limits, abandoned streets, etc.)
Other Recommendations		- Consider moving map-related provisions to front of chapter - Consider enhancing conditional zoning district provisions with more detail about allowable conditions and deviations and x-ref to procedure chapter



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 4: ZONING PERMITS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
4.1 Zoning Permit Applicability Clarifies the a zoning permit is a basic requirement for most forms of development		- Suggest clarifying if a zoning permit is still required if a development application (like a rezoning or special use permit) is approved
4.2 Application - Sets out the requirements for a pre-application conference - Identifies the agencies notified as part of zoning permit review - Sets out site plan requirements	- Need to clarify what constitutes a complete application - Clarify if development that is exempt from a building permit is also exempt from a site plan (but not exempt from a zoning permit) - Clarify if a change in use requires a site plan review or just a zoning permit	- Suggest clarifying what constitutes a 'sketch plan' - Clarify if a pre-application conference is required prior to review of an attached residential development
4.3 Action by Administrator Sets out the review criteria used by the Administrator in deciding the application	Notice of decision by Zoning Administrator must be provided in writing	
4.4 Zoning Decision Sign Sets out the requirements for the applicant to post notice of an approved zoning permit on the affected property	- Clarify sign placement rules - Clarify what evidence of posting consists of	- Suggest the County provide blank forms for use as signs or inclusion of an illustration of what is or is not acceptable as a notice sign - Clarify sign not required to be posted for more than 10 days after decision
4.5 Denial Explains the result of a denial of an application	-Need to reference the available appeal process - Clarify that withholding a zoning permit based on an existing unresolved violation is only authorized for the same lot or site	Suggest adding language clarifying that an applicant may amend and re-submit a zoning permit application that has been denied
4.6 Expiration Sets out the expiration provisions	Revise maximum vesting term to be one year from the date of approval	
4.7 Revocation Sets out the procedure for revocation of a zoning permit by the Administrator	- Clarify that permit revocation may only be processed in accordance with the process used to grant the permit - Clarify that a permit revocation may be appealed to the Board of Adjustments	
Other Recommendations		Encourage the County to disconnect the zoning compliance permit procedure



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 4: ZONING PERMITS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
		from the site plan review procedure and establish a separate site plan review procedure

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 5: DIMENSIONAL STANDARDS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
5.1 Table of Area and Setbacks Sets out a summary table of dimensional standards by zoning district	Update x-refs to NCGS	- Clarify if these dimensional requirements are also applied within any parallel conditional zoning districts - Suggest clarifying that the minimum lot area shown for the PUD-CZ district is a minimum district size, not a lot size - Suggest clarification that maximum densities may be increased through accelerated open space provision in conservation subdivisions

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 6: TABLE OF USES

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
6.1 Use Table - Sets out a summary table of principal, accessory, and temporary uses - Provides a legend for the alphabetic codes within the summary table	- Must convert conditional use permits to special use permits - Clarify that unlisted uses must undergo a review to determine if they are or are not prohibited - Clarify that uses with a "Z" may only be permitted within a conditional zoning district, and that a rezoning application needs to be approved prior to a zoning permit	- Suggest adding a list of use types prohibited in all areas of the County's jurisdiction - Suggest revising the current table to separate principal and accessory uses into individual tables - Need to supplement the use table with wireless collocations and small wireless facilities
Other Recommendations	- Clarify that on-site solar energy facilities serving a residential use may not be prohibited - Revise the table to clarify that	- Strongly encourage review of table for consistency with federal RLUIPA requirements (churches, schools, and fraternal organizations)



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 6: TABLE OF USES

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
	subdivisions reviewed under a legislative (or administrative) process are still allowed	

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 7: GENERAL DEVELOPMENT STANDARDS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
7.1 Requirements for All Uses Clarifies that these standards apply to all uses		Suggest addition discussion about the certificate of occupancy procedure referenced in the section
7.2 Access to Lots Sets out the requirements for access to lots		Suggest establishing a limit to the total number of lots that may be accessed by a single access within an easement
7.3 Address Display Sets out requirements for address display		Suggest site plans and subdivision plats identify individual lot addresses
7.4 Building Separations Requires a minimum of ten feet between buildings		Clarify how a building differs from a structure
7.5 Corner Visibility Establishes limits on development in sight distance triangle areas	Define "obstruction to visibility"	Clarify if this standard is measured from the right of way or from the edge of pavement
7.6 Developments with Multiple Principal Uses Limits the number of principal structures to one-per-lot except when part of identified developments		
7.7 Fences and Walls Clarifies basic rules for fences and walls		Suggest adding clarification that fences and walls are subject to applicable wind loading standards in the State Building Code



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 7: GENERAL DEVELOPMENT STANDARDS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
7.8 Highway Corridor Overlay District Sets out additional dimensional and screening requirements for new development and expansions to existing development		Suggest clarification of building setback from non-residential districts in relation to Section 7.4 of the UDO
7.9 Height Sets out the rules and exemptions for maximum building heights	Clarify provision referencing airport zones, which are not identified in the UDO	
7.10 Light Requires all lights to be shielded so as to avoid negative impacts from exterior lighting on adjacent lots and streets		- Suggest identifying allowable forms of shielding - Suggest defining "directly hitting" or use a quantitative maximum of allowable ambient light at lot lines
7.11 Non-Residential Screening Establishes three different types of screening options, including configuration and types of allowable plantings	Need to add criteria regarding cases when the Administrator may reduce or waive requirements (otherwise these reductions must be processed as quasi-judicial decisions)	Suggest the standards be supplemented with more details on which of the three options is required under which circumstances
7.12 Outdoor Display of Merchandise Establishes requirements for outdoor display		Suggest adding a standard that maintains a minimum amount of pedestrian access around the display
7.13 Outdoor Storage of Goods Establishes the standards for outdoor storage		
7.14 Parking Sets out very basic standards for off-street parking and loading		Suggest adding minimum parking space standards by use type here or cross reference Chapter 8
7.15 Signs Sets out the standards	- Remove content-based standards that recognize specific uses (industrial park,	Suggest establishing a class of incidental signs that include those currently



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 7: GENERAL DEVELOPMENT STANDARDS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
for signs and signage	shopping centers, etc.), specific messages (gas prices, no trespassing, etc.), temporal (real estate, grand opening, etc.) and references to commercial or non-commercial signage - Recognize exempted fence wrap signs	exempted from permit requirements

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 8: SPECIFIC USE STANDARDS

(only lists standards proposed for revision)

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
CHAPTER 8: SPECIFIC USE STANDARDS		
8.1 Accessory Uses or Buildings Sets out definition, standards, and exemptions for accessory structures		- Suggest relocation exemption language to zoning permit section - Suggesting handling portable storage containers as temporary uses
8.3 Bona Fide Farm Sets out definition and exemptions for bona fide farm uses	Clarify that bona fide farms are still subject to flood damage prevention, watershed, stormwater, and subdivision standards	
8.13 Manufactured Home Sets out definition and standards for these uses		Suggest additional design standards
8.16 Planned Unit Development Sets out definitions, standards, and procedures related to planned unit developments	Clarify what modifications are major versus minor and set out procedure for consideration of minor modifications	Suggest relocating these standards to the section on the planned development district
8.17 Group Care Facility Sets out definitions and standards		Suggest adding separation requirements from other group homes and family care homes
8.101 Wireless Communication Facility Sets out the standards	- Amend the standards to recognize eligible facility requests and substantial modifications	Consider adding standards to incentivize stealth or concealed facilities



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 8: SPECIFIC USE STANDARDS

(only lists standards proposed for revision)

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
for wireless communications antennas and support structures	- Supplement with standards for small wireless facilities	
Other Recommendations		Suggest reorganizing use standards to be in alphabetic order for greater ease of use

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 9: NONCONFORMING SITUATIONS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
9.1 Applicability Sets out the basic parameters of the nonconforming provisions (what it includes, burden of lawful existence on owner, status runs with the land)		
9.2 Continuation Allows nonconformity to continue for up to 2 years after voluntary discontinuance		- Suggest expanding on definition of discontinuance to better address non- habitable nonconforming features - Suggest adding x-ref to replacement section
9.3 Repairs and Maintenance Allows routine maintenance	Define routine maintenance	Suggest adding ability for structural reinforcement if needed to retain public safety
9.4 Expansion Sets down the rules for expansion, enlargement, or extension of nonconformities (structures, uses, and signs)		- Suggest minor revisions to increase clarity - Clarify density/built-upon calculation exemption
9.5 Replacement		- Consider adding value thresholds



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 9: NONCONFORMING SITUATIONS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
Allows full replacement after casualty damage		beyond which a nonconformity may not be replaced (e.g., 51%) - Clarify the special clause for replacement of nonconforming manufactured homes
9.6 Movement Requires a moved nonconformity to comply with requirements		Clarify how applied on lots that do not meet min. lot width or min. lot area
9.7 Non-Conforming Lots of Record - Requires new platted lots to meet minimum dimensional requirements - Allows existing nonconforming lot to be used if setbacks are reduced by 30% or less via administrative variance (regular variance required for greater modifications)	Must codify administrative variance procedure or remove	
Other Recommendations		Consider adding a section on nonconforming sites to address screening, lighting, or parking nonconformities



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 10: TEXT AMENDMENTS & GENERAL USE REZONING

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
10.1 Applicability Establishes ability to amend UDO text map or map, and clarifies who may initiate applications	- Convert 'general use' to "conventional" - Must prohibit 3rd party downzoning applications	- Consider limiting text amendment applications to Administrator, Planning Board, Board of Commissioners, or applicants who have applied for and received a determination - Suggest adding a provision that a conventional rezoning application may not be converted to a conditional rezoning application, and vice versa
10.2 Application Process Describes the steps in the review of an application	- Add standards for mandatory pre-application conference (timing, submittals, fees, etc.) - Clarify if staff report is prepared and who receives it - Convert Planning Board consideration to a public meeting rather than a public hearing - Planning Board must provide a written statement of consistency with policy - Public hearing must be conducted by Board of Commissioners - Clarify that public notice of hearing will be provided prior to hearing in accordance with State law - Must remove "same or similar use" language from limitation on refiling denied application (this is a general use procedure)	- Strongly suggest adding criteria for application completeness and clarifying that an application is not "submitted" before it is determined to be complete- rather, it is "filed" until it has been determined to be complete - Allow Planning Board decisions on text amendments to approve a modified application - Suggest adding provision recognizing ability for public comments to be filed and how they will be reviewed - Add statement clarifying that decision is at the legislative discretion of the Board of Commissioners (some communities add criteria, other do not)
10.3 Notice of Public Hearings Sets out public notice requirements for public hearing	- Clarify notice rules differ for text amendments versus map amendments - Must clarify "abutting" properties to include land on other sides of roads, rail, etc. - Recognize timing differential for map amendments combined with ETJ expansion - Must clarify timing parameters of published notice - Must revise posting rules to coincide with mailed notice timing	Strongly suggest a new single section be added (to Ch. 1 or 2) that sets out the public hearing notice provisions once instead of repeating them multiple times in several different locations – then simply use x-ref to notice section for applications that require public notice be provided
Other Recommendations		Suggest establish separate procedures for UDO text amendments versus conventional zoning map amendment



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 11: CONDITIONAL REZONING

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
11.1 Applicability - Establishes the conditional rezoning alternative - Clarifies that a development plan is required - Limits the range of uses to those allowed in parallel conventional zoning district - Clarifies how conditional districts are indicated on the zoning map		- Suggest clarifying that establishing uses listed with a "Z" in the use table requires approval of a conditional rezoning application - Suggest adding a provision that a conditional rezoning application may not be converted to a conventional rezoning application, and vice versa - Clarify that conditional rezoning applications include conditions agreed to by the applicant and the County
11.2 Application Process Describes the steps in the review of an application	- Add requirement that <i>all</i> owners of record must sign application form or consent for application form - Add standards for mandatory pre-application conference (timing, submittals, fees, if required plan is to be reviewed, etc.) - Clarify if staff report is prepared and who receives it - Convert Planning Board consideration to a public meeting rather than a public hearing - Planning Board must provide a written statement of consistency with policy - Public hearing must be conducted by Board of Commissioners - Clarify that public notice of hearing will be provided prior to hearing in accordance with State law - Must allow for approval of amended application as one of the actions to be taken - Update x-ref to NCGS - Must define "same or similar use" as pertains to time limitation on refiling following denial	- Strongly suggest adding criteria for application completeness and clarifying that an application is not "submitted" before it is determined to be complete - rather, it is "filed" until it has been determined to be complete - Suggest shifting timing of community meeting to after pre-application conference but before application filing - Suggest not requiring staff attendance and requiring applicant to prepare written summary (and allow attendees to submit written comments as well) – include this material in application - Suggest allowing applicant to have option of filing concept plan or site plan with application – if site plan approved with rezoning, no need for subsequent site plan review (unless a subdivision is also required) - Clarify if changes to conditions during hearing process will result in changes to site plan, and if so, how plan changes are reviewed - Suggest adding limitations on conditions of approval (race, religion,



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 11: CONDITIONAL REZONING

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
	- Must define all allowable minor modifications and clarify that major modifications (including density and uses) are major modifications processed as an amendment	Income, min. size of dwelling unit, condition requiring County to perform some action, etc.)
11.3 Notice of Public Hearings Sets out public notice requirements for public hearing	- Must clarify "abutting" properties to include land on other sides of roads, rail, etc. - Recognize timing differential for map amendments combined with ETJ expansion - Must clarify timing parameters of published notice - Must revise posting rules to coincide with mailed notice timing	Strongly suggest a new single section be added (to Ch. 1 or 2) that sets out the public hearing notice provisions once instead of repeating them multiple times in several different locations – then simply use x-ref to notice section for applications that require public notice be provided
Other Recommendations		Consider supplementing the procedure to include the establishment of the planned unit development district

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 12: CONDITIONAL USE PERMITS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
12.1 Applicability Establishes the procedure	Must change name to 'special use permit'	- Clarify if uses identified in a conditional rezoning approval still require approval of a special use permit
12.2 Application Process Describes the steps in the review of an application	- Add standards for mandatory pre-application conference (timing, submittals, fees, if required plan is to be reviewed, etc.) - Clarify who receives staff report - Update x-ref to NCGS - Indicate evidentiary public hearing to be conducted - Conditions must be consented to in writing by the applicant - Must define all allowable minor modifications and clarify that major modifications (including density and uses) are major modifications processed as an	- Strongly suggest adding criteria for application completeness and clarifying that an application is not "submitted" before it is determined to be complete – rather, it is "filed" until it has been determined to be complete - Clarify if development subject to an approved special use permit must undergo site plan review as part of a required zoning permit - Suggest adding limitations on conditions of approval (race, religion, income, min. size of dwelling unit, condition requiring County to perform



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE		
CHAPTER 12: CONDITIONAL USE PERMITS		
Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
	amendment - Remove delay for reapplication following denial - Permit revocation may only take place in accordance with the procedure used to grant the permit	some action, etc.)
12.3 Notice of Public Hearings Sets out public notice requirements for public hearing	- Must clarify "abutting" properties to include land on other sides of roads, rail, etc. - Must revise posting rules to coincide with mailed notice timing	- Published notice is not required - Confirm that mailed notice to military base is not required unless it is abutting or as part of military overlay requirements
Other Recommendations		The County may wish to consider having conditions of approval that call for renewal or periodic reconsideration by the County to be recorded with the notice of decision

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE		
CHAPTER 13: APPEALS AND VARIANCES		
Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
13.1 Administrative Appeals Sets out applicability, submittal, processing, Board of Adjustment action, stay, and standing to appeal	- Update x-ref to NCGS - Clarify what constitutes a complete application - Indicate evidentiary public hearing to be conducted - Require decision-maker to be present at hearing - Specify the determinations available to the BOA as part of deciding an appeal - Specify simple majority vote is required	- Suggest clarifying that appeals of decisions by Planning Board or Board of Commissioners is to Superior Court, not to BOA - Clarify that any staff level decision may be appealed to BOA, not just those from Administrator - Clarify that filing an appeal stays fines and other remedies - Suggest relocating standing to appeal section to front of procedure
13.2 Variances Addresses applicability, submittal, process, decision, and expiration	- Codify administrative variance procedure, if still used (for development on nonconforming lots of record) - Clarify the conditions under which a professionally prepared site plan is a submittal requirement - Update x-ref to NCGS - Indicate evidentiary public hearing to be	- Suggest including more details on the distinctions for watershed variances - Suggest adding criteria (or at least cross references) for flood damage prevention and watershed variances - Suggest updating heading in subsection (F) pertaining to CZ zoning



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 13: APPEALS AND VARIANCES

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
	conducted - Conditions must be consented to in writing by the applicant - Specify 4/5 majority vote is required	
13.3 Reasonable Accommodation Sets out applicability, submittal, Board of Adjustment action, exemption	- Clarify the provider of housing may apply - Indicate evidentiary public hearing to be conducted - Conditions must be consented to in writing by the applicant - Specify simple majority vote is required - Relocate material pertaining to temporary health care structure to the chapter on use provisions	- Suggest refining the applicability provisions to clarify what the application procedure is designed to do - Suggest softening the requirements for documentation of a disability – a person claiming they have a disability is sufficient under the law
13.4 Notice of Public Hearings Sets out public notice requirements for public hearing	- Must clarify “abutting” properties to include land on other sides of roads, rail, etc. - Must revise posting rules to coincide with mailed notice timing	
13.5 Notification of Decision Sets out requirement for providing written notice of decision	Update X-ref to NCGS	
13.6 Appeals to Court Addresses appeal timing and the ability to file an original civil action with Superior Court	- Clarify mandatory timeframes are also stayed during appeals	
Other Recommendations		



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 14: VESTED RIGHTS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
14.1 Common Law Sets out a procedure where the Administrator determines if a development approval is vested under common law	- Add a determination procedure for the Administrator to determine vested rights status - Remove references to conditional use permits - Remove references to issuance of a permit in favor of reliance on a "affirmative governmental action"	Clarify if applications for vested rights can extend a total vesting term for a development already subject to a common law vested right
14.2 Valid Building Permit Establishes the vesting term for an approved development permit		Suggest changing section name to Valid Development Permit
14.3 Valid Building Permit Establishes the vesting term for an approved building permit		
14.4 Site Specific Development Plans & Phase Development Plans Sets out the rules for establishment, recognition, and termination of vesting periods for specific types of development approvals	- Update x-ref to NCGS - Change terminology to site-specific <i>vesting</i> plans - Clarify that vesting terms beyond two years may only be established by an affirmative vote of Board of Commissioners granting the longer term following the conduct of a properly-noticed public hearing - Must specify exactly which approvals may constitute a site-specific vesting plan - Clarify vested rights expire after 24 months of voluntary discontinuance of work - Remove references to conditional use permits and conditional use zoning	- Clarify vesting periods only remain in effect if the application approval does not expire - Clarify that the vesting period is stayed during appeal
14.5 Multi-Phased Development Plans Sets down vesting period for multi-phase development	Clarify vested rights expire after 24 months of voluntary discontinuance of work	- Suggest clarifying that the vesting period remains in effect only if the application approval does not expire - Clarify vesting period is stayed during appeal
14.6 Permit Choice Describes the basic purpose, expiration, and appeal provisions	- County must notify applicants in writing, when a choice is available - Require the permit applicant to specify which set of rules they choose to follow	Suggest language be altered to apply permit choice to applications that have been considered complete versus submitted(or filed)



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE**CHAPTER 14: VESTED RIGHTS**

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
associated with permit choice	in writing - Clarify applicant's decision is final and may not be changed except through application withdrawal	
14.7 Development Agreements Vesting periods for development agreements	Vesting terms for development subject to a development agreement is as indicated in the development agreement	
14.8 Appeal Reference to appeals to courts section in Ch. 13		

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE**CHAPTER 15: WATERSHED OVERLAY DISTRICT**

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
No suggested changes		

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE**CHAPTER 16: FLOOD DAMAGE PREVENTION**

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
No suggested changes		



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 17: ENFORCEMENT AND PENALTIES

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
17.1 Applicability Lists the basic violations of the ordinance and the responsible party	Clarify failure by County staff to observe a violation of issuance of an approval in error does not relieve a responsible party from a violation or damages	- Suggest adding reference to 160D-404 - Suggest clarifying who has responsibility for enforcing ordinance and their ability to delegate this responsibility
17.2 Enforcement Procedures Describes the enforcement procedure	- Clarify that formal violation may be posted on the property and need not take the form of a letter - Add provisions regarding inspection	
17.3 Enforcement and Penalties Sets out eh remedies and penalties available to the County	- Update x-ref to NCGS - Clarify ability to deny permit or approval - Include stop work order as remedy - Include permit revocation as remedy - Clarify remedies are cumulative and continuous	Suggest listing potential fines and imprisonment associated with criminal penalties Suggest listing procedure for assessment of civil penalties and that failure to pay may result in civil action in the nature of a debt
17.4 Repeat Violations Clarifies actions of County for repeat violations occurring more than once in a 365-day period		Discuss – Is this special legislation?
17.5 Appeal Sets out provisions for appeal of a notice of violation		
Other Recommendations		Suggest adding X-ref to G.S. 1-49(3) and 1-51(3) pertaining to statute of limitations on enforcement



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 18: SUBDIVISIONS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
18.1 Applicability Sets out the purpose for the chapter	- Need to specify that the standards apply to divisions of land not exempted by the Statutes	- Suggest changing section name to Purpose - Suggest adding clarity that infrastructure-related provisions are applied to developments even when subdivision of land is not involved
18.2 Plats Shall be Required on Any Subdivision of Land Requires plats to be prepared for any division of land		- Clarify plats not required for exempt subdivision - Clarify if plats required for family subdivisions (why not allow by deed?)
18.3 Exemptions to Subdivision Regulations Sets out the kinds of divisions exempted from the regulations and the process of review	- Clarify that exempt subdivision review is a courtesy – may not mandate exempt subdivision review - Remove requirement for recording plat-recording is voluntary	Consider adding subdivision for family cemeteries as an additional exemption
18.4 Family Subdivisions Sets out the applicability, review procedure, and expiration for family subdivisions	Provide written notice of decision	Clarify if extension of a public road triggers a preliminary plat
18.5 Minor Subdivisions Sets out the applicability, submittal requirements, and decision-making process for minor subdivisions and expedited subdivisions	Disaggregate the minor and expedited subdivision procedures to avoid confusion (may not require a private road maintenance agreement for an expedited subdivision)	There is no requirement for an expedited subdivision to processed quickly, the name relates to the low number of requirements that may be applied to an expedited subdivision
18.6 Major Subdivisions – Preliminary Plat Submittal and Review Sets out the review steps for a preliminary plat	- Must describe process for concept plan review - Must add public notice requirements for quasi-judicial procedures - Clarify who receives staff report - Indicate evidentiary public hearing to be conducted - Conditions must be consented to in writing by the applicant - Remove references to conditional use	- Discuss wisdom of making all preliminary plats quasi-judicial – the BOC may NOT rely on SRB recommendation in making its decision as part of a quasi-judicial procedure - Suggest clarifying differences between concept plans and sketch plans - It is not necessary to issue a special use permit with a subdivision approval- even if it is reviewed in a quasi-judicial



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 18: SUBDIVISIONS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
	permits	procedure
18.7 Major Subdivisions – Minimum Design Standards as Shown on Preliminary Plat Sets out the design standards for major subdivisions	Update x-refs to NCGS	Consider including parkland dedication requirements or fee-in-lieu (this may be required in addition to open space set- aside requirements)
18.8 Major Subdivisions – Option 1 – Conservation Design Standards Sets out the conservation subdivision standards		
18.9 Major Subdivisions – Option 2 – Conventional Subdivision Design Standards Sets out the conventional subdivision process		Discuss the clearing and grading limits
18.10 Major Subdivision – Construction Process Sets out the infrastructure installation process within subdivisions		
18.11 Major Subdivisions – Final Plat Submittal Sets out the submittal requirements and review process for final plats	- Must define all allowable minor modifications and clarify that major modifications are major modifications processed as an amendment	- Suggest removing the ability for an applicant to request final plat approval by the Board of Commissioners - Suggest adding criteria for approval - Suggesting adding details regarding the recordation process
18.12 Phasing Sets out standards pertaining to phasing of subdivisions	Must add criteria for use by the SRB in denying a phasing plan	
18.13 Performance Guarantees for Major	- Update x-refs to NCGS - Add the ability for applicants to	Consider clarifying if there are public infrastructure elements the County



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 18: SUBDIVISIONS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
Subdivisions Sets out the procedures for performance guarantees	consolidate multiple guarantees - Add provisions for reduction of the guarantee amounts upon completion of 25%, 50%, and 75% of the required infrastructure - Add forfeiture provisions to follow if the County needs to provide the infrastructure	would not allow to be the subject of a performance guarantee Consider allowing cash to be posted - Suggest adding County infrastructure acceptance requirements to the release provisions - Suggest clarifying that as-builts must be provided prior to release
18.14 Subdivision Variance Includes basic provisions for consideration of a subdivision variance	Relocate this standard to the other variance provisions	
18.15 Subdivision Plat Requirements Summary table of plat document requirements		Suggest clarifying the likely outcome of failure to include required elements
18.16 Subdivision Plat Requirements Summary table of required subdivision certifications	Add criteria for the determination by the Administrator that an otherwise required certification is not required	Suggest numbering the certification statements so they may be cross referenced from the summary table
Other Recommendations		Consider whether or not the standards should be supplemented with HOA formation requirements and standards for transfer of maintenance responsibility from the developer to the HOA

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE

CHAPTER 19: DEFINITIONS

Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
19.1 Word Interpretation Establishes very basic rules of language construction	Add a determination procedure for applicants to request interpretations of code language or unlisted uses	
19.2 Definitions	- Revise definitions for consistency with building code requirements	- Suggest including a note that uses are defined in the use standards chapter



MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE		
CHAPTER 19: DEFINITIONS		
Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
	- Update x-refs to NCGS	- Suggest inclusion of several more definitions, including rules of measurement

MOORE COUNTY, NC UDO DIAGNOSIS SUMMARY TABLE		
CHAPTER 20: RECORD OF AMENDMENTS		
Section # & Name Description	Mandatory Changes for Legal Compliance (160D, case law)	Recommended (but not mandatory) Changes
List of approved amendments		Suggest conversion to an appendix instead of maintaining as a chapter

Next Steps

Following review and discussion of this diagnosis memorandum with members of County staff, a summary presentation will be made to the Board of County Commissioners to describe the proposed changes and collect feedback on the optional recommendations.

Following the presentation, the tables in the Diagnosis Memorandum will be used to guide a series of draft text amendments to the UDO text (in tracked changes format) for consideration just like any prior text amendment. The tracked changes format will allow readers to understand exactly what changes to the current text are proposed.

Once the draft changes to the UDO text have been completed, County staff will have the opportunity to review the document and provide comments.



